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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,740	01/25/2002	Richard Dean Dettinger	IBM / 210	9916

7590 05/21/2004  
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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 05/21/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/056,740

Applicant(s)

DETTINGER ET AL.

Examiner

MINH D DAO

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3,6-10,13-15,17,18 are rejected under 35 U.S.C. 102(b) as being anticipated by Buhrmann et al. (US Patent 5,933,778).

Regarding claim 1, Buhrmann teaches a method of controlling the response of a wireless communication device comprising the following steps: scheduling a time period in an application on a first device (see figs. 1, 4 and 5) during which the response of a second wireless communication device is to be modified (col. 4, lines 24-31; col. 8, lines 14-31); networking the first device with the second wireless communication device (see fig. 1, items 122 (PIM), 102 (Wireless Communication Network) and 110 (Mobile Station)); and, transmitting a signal from the first device to the second device modifying the response of the second wireless communication device for the time period scheduled in the application on the first device (col. 4, lines 24-31; col. 8, lines 14-31).

Regarding claim 2, Buhrmann teaches the method of claim 1 wherein the first device is a personal digital assistant (see fig. 1, item 122 (Personal Information Manager, PIM)).

Regarding claim 3, Buhrmann teaches the method of claim 1 wherein the second wireless communication device is a cellular telephone (see fig. 1, item 110, Mobile Station).

Regarding claim 6, Buhrmann teaches the method of claim 1 wherein the modification of the response of the second wireless communication device prevents the second wireless communication device from sounding an audible alert (col. 8, lines 14-31, in this case, calls received during the event scheduling will be forwarded to subscriber's voice mail or send an alert message to the subscriber without ringing the mobile station. Therefore, reference Buhrmann reads on the above limitation).

Regarding claim 7, Buhrmann teaches the method of claim 1 wherein the modification of the response of the second wireless communication device causes the second wireless communication device to return an indication that a user is busy or unavailable. (col. 8, lines 14-31, in this case, calls received during the event scheduling will be forwarded to subscriber's voice mail or send an alert message to the subscriber. Therefore, reference Buhrmann reads on the above limitation).

Regarding claim 8, Buhrmann teaches a wireless communication device comprising: a processor (see fig. 9, item 124 (CPU), a wireless communications interface (item 906) and storage for executable code (item 130, PIM Program), the processor executing the

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executable code to allow a user to schedule a time period during which the response of the wireless communication device to wireless communications is to be modified, and modifying the response of the wireless communication device to wireless communications during a time period scheduled by the user (col. 12, lines 18-33).

Regarding claim 9, the claim has the same limitation as that in claim 2, therefore is interpreted and rejected for the same reason set forth in claim 2.

Regarding claim 10, the claim has the same limitation as that in claim 3, therefore is interpreted and rejected for the same reason set forth in claim 3.

Regarding claim 13, the claim has the same limitation as that in claim 6, therefore is interpreted and rejected for the same reason set forth in claim 6.

Regarding claim 14, Buhrmann teaches a program product for a wireless communication device, the program product comprising: executable code to allow a user to schedule a time period wherein the response of the wireless device to wireless communications is modified (col. 8, lines 51-58; col. 9, lines 19-27).

Regarding claim 15, Buhrmann teaches the program product of claim 14 wherein the executable code further includes networking code for networking with a second device (col. 8, lines 51-58; col. 9, lines 19-27).

Regarding claim 17, Buhrmann teaches the program product of claim 15 wherein the executable code is further configured to allow a user of the second device to schedule a time period in which the response of the wireless communication device to wireless communications is modified (col. 8, lines 51-58; col. 9, lines 19-27).

Regarding claim 18, the claim has the same limitation as that in claim 6, therefore is interpreted and rejected for the same reason set forth in claim 6.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 4, 11, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann et al. (US Patent 5,933,778) in view of Rouse et al. (US 2002/0103908 A1).

Regarding claims 4, 11 and 16, Buhrmann teaches a method of controlling the response of a wireless communication device comprising the following steps: scheduling a time period in an application on a first device (see figs. 1, 4 and 5) during which the response of a second wireless communication device is to be modified (col. 4, lines 24-31; col. 8, lines 14-31); networking the first device with the second wireless communication device (see fig. 1, items 122 (PIM), 102 (Wireless Communication Network) and 110 (Mobile Station)); and, transmitting a signal from the first device to the second device modifying the response of the second wireless communication device for the time period scheduled in the application on the first device (col. 4, lines 24-31; col. 8, lines 14-31). However, Buhrmann fails to teach that the first device is networked with the second wireless device using Bluetooth. Rouse, in an analogous art, teaches Bluetooth wireless communication technology to provide the ability to exchange data and voice between communication devices (col. 10, section [0117]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Rouse to Buhrmann in order to wirelessly implement short-range

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communications for different types of devices as suggested by Rouse (col. 10, section [0117]).

3. Claims 5,12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buhrmann et al. (US Patent 5,933,778) in view of Rensin et al. (US 2002/0165932 A1).

Regarding claims 5 and 12, Buhrmann teaches a method of controlling the response of a wireless communication device comprising the following steps: scheduling a time period in an application on a first device (see figs. 1, 4 and 5) during which the response of a second wireless communication device is to be modified (col. 4, lines 24-31; col. 8, lines 14-31); networking the first device with the second wireless communication device (see fig. 1, items 122 (PIM), 102 (Wireless Communication Network) and 110 (Mobile Station)); and, transmitting a signal from the first device to the second device modifying the response of the second wireless communication device for the time period scheduled in the application on the first device (col. 4, lines 24-31; col. 8, lines 14-31). However, Buhrmann fails to teach that the application on the first device is a calendar function in Palm OS and the first device is a Palm OS compatible device. Rensin, in an analogous art, teaches a personal computer that uses a Palm OS operating System to manage its applications (see section [0036]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to provide the teaching of Rensin to Buhrmann in order to manage and send data from one device to another to support the stored applications.



***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Gusler et al. (US 2003/0100261 A1) discloses Apparatus And Method For Delayed Of Answering Mobile Telephones.
- b. Bremer (US Patent 6,018,671) discloses Silent Call Accept.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D DAO whose telephone number is 703-305-5589. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, VIVIAN C CHIN can be reached on 703-308-6739. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao  
Examiner  
Art Unit 2682  
May 10, 2004 *md*

  
**VIVIAN CHIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**  
*5/17/04*